

REMARKS

In the present response, claims 1-8 are pending. Claims 1, 5, and 6 have been amended and claims 7 and 8 have been added to define Applicants' invention with greater particularity. The present amendments find support in the application and originally filed claims and raise no issue of new matter. For example, support for the amendment of claim 1 is found in paragraph [0033].

Reconsideration is respectfully requested in view of the amendments and arguments herein.

Rejections under 35 U.S.C. § 102(b)

The rejection of claims 1-5 under 35 U.S.C. § 102(b) as allegedly anticipated by Weinberger et al. (J Virol Methods 85 (1-2):75-82, 2000) has been obviated by amendments to the claims submitted herewith. In particular, the Examiner asserts that SEQ ID NO:3 and labeled SEQ ID NO:3 are disclosed by Weinberger. Thus, this rejection has been rendered moot by the cancellation of SEQ ID NO:3 and labeled SEQ ID NO:3 from claims 1 and 5, respectively. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claim 1 under 35 U.S.C. § 102(b) as allegedly anticipated by "SCORE result #5" (i.e., GenBank ID g74190783) also has been obviated by amendments to the claims submitted herewith. In particular, the Examiner asserts that SCORE result #5 anticipates an oligonucleotide having the sequence of SEQ ID NO:6 based on the claim lacking a size limitation. However claim 1, as presently amended, is directed to "oligonucleotide of between 20 to 70 nucleotides in length." In contrast, the SCORE result #5 discloses a polynucleotide sequence having 1163 nucleotides. There is no disclosure of an oligonucleotide having the sequence of SEQ ID NO:6 in the SCORE result #5. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. An early notice to that effect is earnestly solicited. Should any matters remain outstanding, the Examiner is encouraged to contact the undersigned at the telephone number listed below so that they may be resolved without the need for a written action.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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